UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/342
1 May 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. The present report is submitted in compliance with resolution 971 (1995) of 12 January 1995, by which the Security Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG), as set out in its resolution 937 (1994), for an additional period terminating on 15 May 1995. By the same resolution, the Council decided "to undertake, on the basis of a report from the Secretary-General submitted by 4 May 1995 and in the light of any progress achieved towards a political settlement and the return of refugees and displaced persons, a thorough review of the situation in Abkhazia, Republic of Georgia". In accordance with paragraph 3 of the same resolution, on 6 March 1995 I submitted to the Council a report (S/1995/181) on all aspects of the situation in Abkhazia, Georgia.

II. POLITICAL ASPECTS

2. In that report, I indicated that my Special Envoy for Georgia intended to convene a further round of negotiations for a comprehensive settlement in early April in Moscow. Regrettably, an upsurge in violence in the Gali region in mid-March and early April precluded any face-to-face meetings by the two sides. For similar reasons, no further meeting of the expert group was held in the latter part of March.

3. In the past few weeks, however, efforts have been made by the Russian Federation, acting in its capacity as facilitator, to draft a text that might provide the basis for a Georgian-Abkhaz settlement. Arising from these efforts and regular contacts with Russian authorities, on 19 and 20 April my Special Envoy visited Moscow to hold separate consultations with Russian representatives, with the Georgian side and with the Abkhaz side, in order to determine the extent of progress with this initiative.

4. On 19 April Mr. Boris Pastukhov, Deputy Foreign Minister of the Russian Federation, described his efforts and gave my Special Envoy a copy of the latest draft text. The draft developed the elements discussed on earlier occasions in

negotiations led by my Special Envoy, providing for a solution on the basis of a federal State within the borders of Georgia as of 21 December 1991, with certain competences for Abkhazia. Mr. Pastukhov stressed that the draft text was an attempt to develop in greater detail the elements of a federal solution, by focusing on finding a position that would gain the acceptance of the Government of the Republic of Georgia and then to seek the changes that might be required by the Abkhaz side. My Special Envoy supported the efforts of the Russian Federation to move the process forward.

5. On 20 April, my Special Envoy had consultations with Mr. Vladislav Ardzinba of Abkhazia. Mr. Ardzinba, who said that he had been given a copy of the draft text only a day or two before, declared that he rejected it. In his view, the fundamental principles of a possible solution had been set out in the declaration on measures for a political settlement signed on 4 April 1994 (S/1994/397, annex I) and supplemented in the working paper on possible political and legal components of the future status of Abkhazia accepted as the basis for discussion in November 1994. In Mr. Ardzinba's view, these had referred to a union State, in which relations would be determined by horizontal ties between two equal States, whereas all that was now being offered was autonomy. In later remarks, he reiterated that the competences now being offered to Abkhazia were, in his view, less than those given to Abkhazia in 1978 by the then Union of Soviet Socialist Republics.

6. My Special Envoy raised the issue of the continuing difficulties facing the return of refugees and displaced persons. Mr. Ardzinba described the grave security situation in the Gali region, observing that the banditry and looting were largely due to the activities of lawless gangs crossing the Inguri river from areas under the control of the Government of Georgia. He said the current situation was simply that large numbers of refugees could not be taken back. However, on 17 April he had written to Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees (UNHCR), offering to register the spontaneous returnees, some 40,000, and also to consider UNHCR-sponsored returnees at the rate of 200 per week. Mr. Ardzinba gave my Special Envoy a copy of his letter.

7. My Special Envoy then had discussions with Mr. Vazha Lordkipanidze, Georgian Ambassador to the Russian Federation. Mr. Lordkipanidze said that, in recognizing a federal solution to the conflict, the draft text went as far as Georgia was prepared to go. He also reaffirmed that it was of the utmost importance to the Georgian authorities to see a prompt and massive return of refugees and displaced persons to their homes.

8. The visit of my Special Envoy to Moscow concluded with further discussions with Mr. Pastukhov.

III. HUMANITARIAN SITUATION

A. Consolidated inter-agency appeal for the Caucasus

9. An inter-agency mission led by the Department for Humanitarian Affairs of the United Nations Secretariat, which included representatives of the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), UNHCR, the Food

and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the International Labour Organization (ILO), the United Nations Volunteers programme (UNV) and the International Organization for Migration (IOM) and which was accompanied by a representative of the United States Agency for International Development (USAID), visited Georgia from 29 January to 4 February 1995 to assess the humanitarian situation and finalize the consolidated inter-agency appeal for the period from 1 April 1995 to 31 March 1996. The mission took note of the fact that there was a severe energy situation that had consequences for industrial and agricultural production and also affected the most vulnerable population groups. The mission also noted that the food supply situation was a cause for concern, with the increase in bread prices making the country's staple food unobtainable by the poorest members of society.

10. The 1995-1996 appeal for Georgia aims at securing US$ 36,473,385 in financial assistance for United Nations-system agency projects that address the immediate needs of refugees and displaced persons, as well as other vulnerable groups in the community. Attention will be given to contingency planning, which will ensure the necessary relief and rehabilitation assistance for returning refugees and displaced persons.

11. It is to be hoped that the donor community will respond generously to the projects outlined in the appeal. Under the previous appeal, which covered the period from 1 April 1994 to 31 March 1995, the donors' response covered only 50.1 per cent of the total US$ 35,389,970 funding requirements for Georgia.

12. Other than the Government of Israel's pledge to the voluntary fund established in accordance with paragraph 10 of Security Council resolution 937 (1994), which I mentioned in my report to the Council of 6 March 1995 (S/1995/181, para. 15), no further pledges have been made or contributions received.

B. Situation of refugees and displaced persons

13. The organized repatriation of refugees and displaced persons to Abkhazia remains at a standstill. The Quadripartite Commission has not met since 16 February 1995. The Abkhaz side continues to object to the large-scale and speedy return of refugees and displaced persons. Its latest offer to repatriate 200 persons a week and to be more flexible with regard to those refugees and displaced persons returning spontaneously does not meet UNHCR requirements for a meaningful return timetable as agreed to by all parties except the Abkhaz side during the proximity talks held in Geneva from 7 to 9 February, and the Quadripartite Commission meeting held in Moscow on 16 February 1995.

14. During the month of March and the first half of April 1995 the situation in the Gali region was unstable. Activities by uncontrolled armed elements and operations by the Abkhaz militia spread fear among the inhabitants, causing some 1,000 to 1,500 of them to flee to the east of the Inguri river. The arrival of these newly displaced persons increased the frustration among those already present on the east bank of the river and led to demonstrations at the main bridge leading into Abkhazia. The situation improved somewhat in the latter

part of April. The spontaneous movement of internally displaced persons has resumed, and nearly all of those who had recently fled the Gali region have now returned.

15. As of April 1995, contributions to the UNHCR assistance programme for refugees and displaced persons in Georgia amounted to US$ 943,424, i.e. only 10.3 per cent of the 1995 budget requirements. This situation seriously jeopardizes the continuation of UNHCR's programme in Georgia.

IV. OPERATIONS OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

16. UNOMIG has continued to fulfil the tasks mandated by the Security Council in resolution 937 (1994) of 21 July 1994, operating in the security and restricted weapons zones and in the Kodori valley and monitoring the weapons storage sites of both the Government of Georgia and the Abkhaz authorities.

17. UNOMIG continues to be under the command of the Chief Military Observer, Brigadier-General John Hvidegaard (Denmark). The Mission maintains its full authorized strength of 136 military observers. A table showing its composition is annexed to the present report. The Mission has its headquarters in Sukhumi, with part of the headquarters staff located in Pitsunda and a liaison office in Tbilisi (see map). It has three sector headquarters, at Sukhumi, Gali and Zugdidi. The Gali sector, where most of the refugees are expected to return, has the largest number of military observers.

18. At present UNOMIG has four team-site bases: three in the Gali region, at Otabaya, Ingurges and Zemo-Bargevi, and one in the Zugdidi region at Darcheli. The bases are located in areas that are either of strategic importance to the Government of Georgia and the Abkhaz authorities or accommodate a large number of internally displaced persons or returnees.

19. UNOMIG's concept of operations, as described in my report of 12 July 1994 (S/1994/818, para. 11), has been adjusted to allow for closer monitoring of the situation and a more flexible response to developments on the ground. The concept is now based on mobile patrols operating from the three sector headquarters and the four team-site bases. Areas where the situation has been particularly unstable are being patrolled on a 24-hour basis, except in periods of high unrest when they are patrolled during daylight hours only. UNOMIG continues to receive confirmation from the local population that its permanent presence or frequent patrolling in areas of criminality have a deterrent effect and promote a feeling of safety among the population.

20. Until recently, UNOMIG's military observers have enjoyed the freedom of movement necessary to perform their tasks. However, they are now being prevented from monitoring the weapons storage site of the Government of Georgia and from patrolling parts of the Gali Canal on the west bank of the Inguri river, which is under the control of the Abkhaz authorities. UNOMIG has protested these restrictions and is awaiting a response from the authorities concerned.

21. Warning shots have been fired twice at UNOMIG's military observers on both banks of the Inguri river. Further, on 23 April, a wire-commanded mine was detonated in the vicinity of a UNOMIG vehicle carrying two military observers patrolling the Gali region. Although the observers were not harmed, the mine seems to have been directed specifically against their vehicle. Investigations have been carried out, but without result.

22. Cooperation between UNOMIG and the Government of Georgia and the Abkhaz authorities has been satisfactory on the whole. However, both sides have criticized UNOMIG, the Georgians for not protecting the returnees in the Gali region and the Abkhaz for not preventing armed elements from infiltrating the security zone on the west bank of the Inguri, although neither UNOMIG's mandate nor its strength enable it to do either task.

23. Cooperation between UNOMIG and the Organization for Security and Cooperation in Europe (OSCE) continues along the lines described in my report of 6 March 1995 (S/1995/181, para. 21).

24. UNOMIG continues to cooperate with UNHCR and other humanitarian agencies in the area within the limits of its mandate. UNOMIG military observers meet UNHCR representatives almost daily to exchange information and to discuss areas of cooperation. They also cooperate with governmental and non-governmental organizations present in the area.

V. SITUATION ON THE GROUND

A. General

25. Between 6 March 1995, when I last reported to the Security Council, and mid-April, the situation in the security and restricted weapons zones, especially in the Gali region where, as noted above, most of the refugees are expected to return, was extremely unstable. Criminal activities during that period claimed the lives of 28 persons, while 17 were wounded and some 20 others kidnapped. In addition, incidents of looting and burning of houses and tea plantations have also been reported. However, the situation in the Kodori valley has remained calm.

26. The most pressing problem in the security zone on both banks of the Inguri is the level of armaments. UNOMIG has reported the existence of a large number of unauthorized weapons among the population on both sides. In addition, some of the Abkhaz militia as well as the Georgian police carry hand-held anti-tank weapons, grenade launchers and machine-guns. Although such weapons are not heavy military equipment, as defined in the Agreement on a Cease-fire and Separation of Forces signed in Moscow on 14 May 1994, they cannot be regarded as personal weapons either, and the parties can therefore be said to be not in compliance with the spirit of the agreement.

B. Security and restricted weapons zones

27. On the east bank of the Inguri, which is under the control of the Government of Georgia, an armoured vehicle has been stationed in the Zugdidi police station, in violation of the 14 May 1994 agreement. On the west bank of the river, attempts to reintroduce heavy military equipment into the restricted weapons zone continue, but such equipment is withdrawn upon protest by UNOMIG and the peace-keeping force of the Commonwealth of Independent States (CIS).

28. Armed elements beyond the control of the Government of Georgia operating from the Zugdidi region have been responsible for kidnappings, looting and ambushes in the Gali region. Furthermore, elements claiming to belong to the Abkhaz militia continue to commit criminal acts in that region. When questioned by UNOMIG these elements are unable to produce weapon permits or other documents authorizing them to operate in the area. UNOMIG assesses that these elements are actually beyond the control of the Abkhaz authorities.

29. In March and early April, the Abkhaz authorities carried out two militia operations in the Gali region, reportedly to "clamp down on subversive elements" and "to check the identification cards" of the residents. The first operation, which took place on 12 and 13 March, involved some 400 militia personnel. That operation was excessively forceful and the Abkhaz authorities have stated that they were unable to exercise full control over the militia and other elements present in the area. Subsequently, UNOMIG observed the bodies of 13 men between the ages of 25 and 40, several of whom showed signs of having been tortured. In addition, some 200 members of the civilian population were detained, all of whom have since been released. The Chief Military Observer of UNOMIG protested to the Abkhaz authorities, which acknowledged their inability to control the operation fully. UNOMIG's medical team provided assistance to some of the civilians and militia personnel who were injured during the operation and the military observers have reported that their presence in the area where the operation was being conducted helped in some measure to shield the civilian population from abuse.

30. The second militia operation took place on 2 April, following an ambush on a funeral procession for an Abkhaz militia member that had resulted in three fatalities and several injuries among the participants, two of whom were abducted. UNOMIG has reported that the second operation, which involved some 170 militia personnel, was more closely controlled by the Abkhaz authorities. Even though UNOMIG and the CIS peace-keeping force were able to monitor that operation, one person was killed and seven others arrested, all of whom have since been released. UNOMIG has received evidence that the ambush on the funeral procession mentioned above was committed by elements operating from the east bank of the Inguri river, with the participation of an individual who claimed to be in possession of a Georgian police identification card. Accordingly, UNOMIG protested to the Georgian authorities, which denied the individual's claim.

31. The CIS peace-keeping force has agreed with the Abkhaz authorities that the number of militia personnel operating in the Gali region will be reduced and that their operations will be conducted only in specified and limited areas. Any operation outside these areas will require the force's prior approval.

32. In an attempt to reduce the number of weapons on both banks of the Inguri, the CIS peace-keeping force has started to issue new weapons permits, in restricted numbers, to Georgian and Abkhaz authorities and to certain other individuals. However, in view of the abundance of weapons in the security zone, it is UNOMIG's assessment that this problem is likely to persist.

33. The CIS peace-keeping force is in the process of revising its modus operandi, allowing for closer monitoring of the situation and greater flexibility in the movement of its troops. In UNOMIG's view, this revised concept, together with the newly imposed limitations on the operations of the militia and the introduction of new weapons permits, will help to improve safety conditions in the area.

C. Kodori valley

34. UNOMIG continues to conduct regular patrols in the Kodori valley. The CIS peace-keeping force maintains a permanent post in Lata and mans a checkpoint 10 kilometres east of that post. In addition, it conducts regular patrols throughout the valley. The Svans and the Abkhaz also maintain separate checkpoints east of Lata.

35. Relations on the ground between the Abkhaz and the Svans continue to be satisfactory. Meetings between the two have been held regularly and the Svan leader, Mr. Nugzar, recently visited Sukhumi to exchange information with the Abkhaz authorities on a number of practical matters.

VI. COOPERATION BETWEEN THE UNITED NATIONS OBSERVER MISSION IN GEORGIA AND THE COMMONWEALTH OF INDEPENDENT STATES PEACE-KEEPING FORCE

36. In paragraph 6 (b) of resolution 937 (1994), the Security Council entrusted UNOMIG with the observation of the operation of the CIS peace-keeping force within the framework of the implementation of the agreement of 14 May 1994. UNOMIG has reported that the CIS peace-keeping force has been conducting its operations in accordance with the agreement and any variation from the tasks stipulated in the agreement has been made in consultation with the parties.

37. In accordance with the agreement, the CIS peace-keeping force is deployed on both sides of the security zone and, as agreed by the parties, in the Kodori valley. It has maintained posts in these areas and has patrolled them on a 24-hour basis, either jointly with UNOMIG or on its own.

38. Cooperation between UNOMIG and the CIS peace-keeping force is proceeding along the lines described in my report of 12 July 1994 (S/1994/818, paras. 16-19). Exchanges of information, mutual assistance and joint patrolling are taking place regularly and the cooperation continues to be very satisfactory. UNOMIG and the CIS peace-keeping force continue to coordinate the execution of their respective mandates. The Chief Military Observer of UNOMIG and the Commander of the CIS peace-keeping force continue to meet regularly and their principal subordinates meet frequently to ensure effective coordination.

UNOMIG team-site bases and patrols are in constant contact with the CIS peace-keeping force's posts and patrols.

VII. FINANCIAL ASPECTS

39. By its resolution 49/231 of 23 December 1994, the General Assembly authorized me to enter into commitments for UNOMIG at a rate not to exceed $1,720,034 gross ($1,617,034 net) per month for the period from 14 January to 13 July 1995. This authorization is subject to the decision of the Security Council to extend the mandate of the Mission.

40. Should the Security Council decide to renew the mandate of UNOMIG beyond 15 May 1995, the monthly cost of maintaining the Mission until 13 July 1995 will be limited, initially, to the commitment authority contained in General Assembly resolution 49/231. I shall report to the General Assembly on the additional requirements needed for the maintenance of the Mission.

41. As at 19 April 1995, unpaid assessed contributions to the UNOMIG Special Account amounted to $1.5 million, and total unpaid assessed contributions for all peace-keeping operations as at that date amounted to $2 billion.

VIII. OBSERVATIONS

42. As is always the case, it is the parties to a conflict that must make peace. Mediators and other interlocutors can assist by providing ideas, political skills and expertise and appropriate settings and conditions within which negotiations can take place, but the parties themselves must be willing to make the necessary accommodations for their dispute to be resolved.

43. The constructive dialogue that seemed to be leading towards progress has once again encountered difficulties. In my report of 6 March, I referred to the pressing need to establish and maintain progress in the political negotiations and the concomitant need for patience and perseverance. These needs have not changed in the past two months and I continue to believe that, if the international community turns its back on the Georgian-Abkhaz conflict, war will once again erupt.

44. At the same time, however, experience has shown that tense political stalemates in which neither peace nor war prevail do not allow the creation of the stability and public confidence essential for economic assistance, reconstruction and a return to normality for the people concerned. On the contrary, pressures build to change the political circumstances or the situation on the ground in one way or another. My Special Envoy has underlined these dangers in his private consultations with the two sides. I have instructed him to continue his efforts, with the assistance of the Russian Federation as facilitator and with the participation of OSCE. At the same time, I shall give further consideration to how to advance the political process.

45. Since 21 July 1994 when the Security Council adopted resolution 937 (1994) expanding UNOMIG's mandate, the Mission's military observers have been able to

implement the tasks assigned, but their presence has not had the intended effect of contributing substantially to the creation of conditions conducive to the safe and orderly return of refugees and internally displaced persons. The principal reason for this unfortunate situation is that neither the Government of Georgia nor the Abkhaz authorities have been able to guarantee the safety of the displaced persons and the protection of the repatriants, as they agreed to do under the quadripartite agreement on voluntary return of refugees and displaced persons signed on 4 April 1994 (S/1994/397, annex).

46. Although the spontaneous return of internally displaced persons has resumed, it is my assessment that, without an agreement by the parties on the number and type of personal weapons to be carried in the security zone and in the absence of an earnest attempt by them to control the armed elements, security conditions in the region will continue to be unstable. I intend to instruct the Chief Military Observer of UNOMIG to discuss with the parties the definition of personal weapons.

47. Additional measures to improve security conditions in the security and restricted weapons zones can also be taken up with the parties, but are unlikely to improve the situation unless they demonstrate the necessary will. Effective measures combined with the restrictions recently imposed by the CIS peace-keeping force on the activities of the Abkhaz militia and its efforts at controlling personal weapons in the area, together with the force's new modus operandi, should enhance the effect of UNOMIG's presence on the security situation in the region, thus contributing to the creation of conditions conducive to the orderly return of the refugees.

48. Notwithstanding these difficulties, there can be little doubt that the untimely withdrawal of the CIS peace-keeping force and UNOMIG would lead to open confrontation and the resumption of conflict. At the time of writing, it is not known whether the mandate of the CIS peace-keeping force will be extended beyond 15 May 1995 and, if so, up to what date. The Foreign and Defence Ministers of the CIS States have reportedly recommended renewing it until 31 December 1995.

49. In the light of the situation outlined in the present report, I recommend to the Security Council that it extend the mandate of UNOMIG for a six-month period terminating on 15 November 1995, that extension being subject to revision in the light of the decision to be taken by the Council of Heads of State of CIS regarding the mandate of the CIS peace-keeping force. I shall of course keep the Security Council informed of developments in this regard.

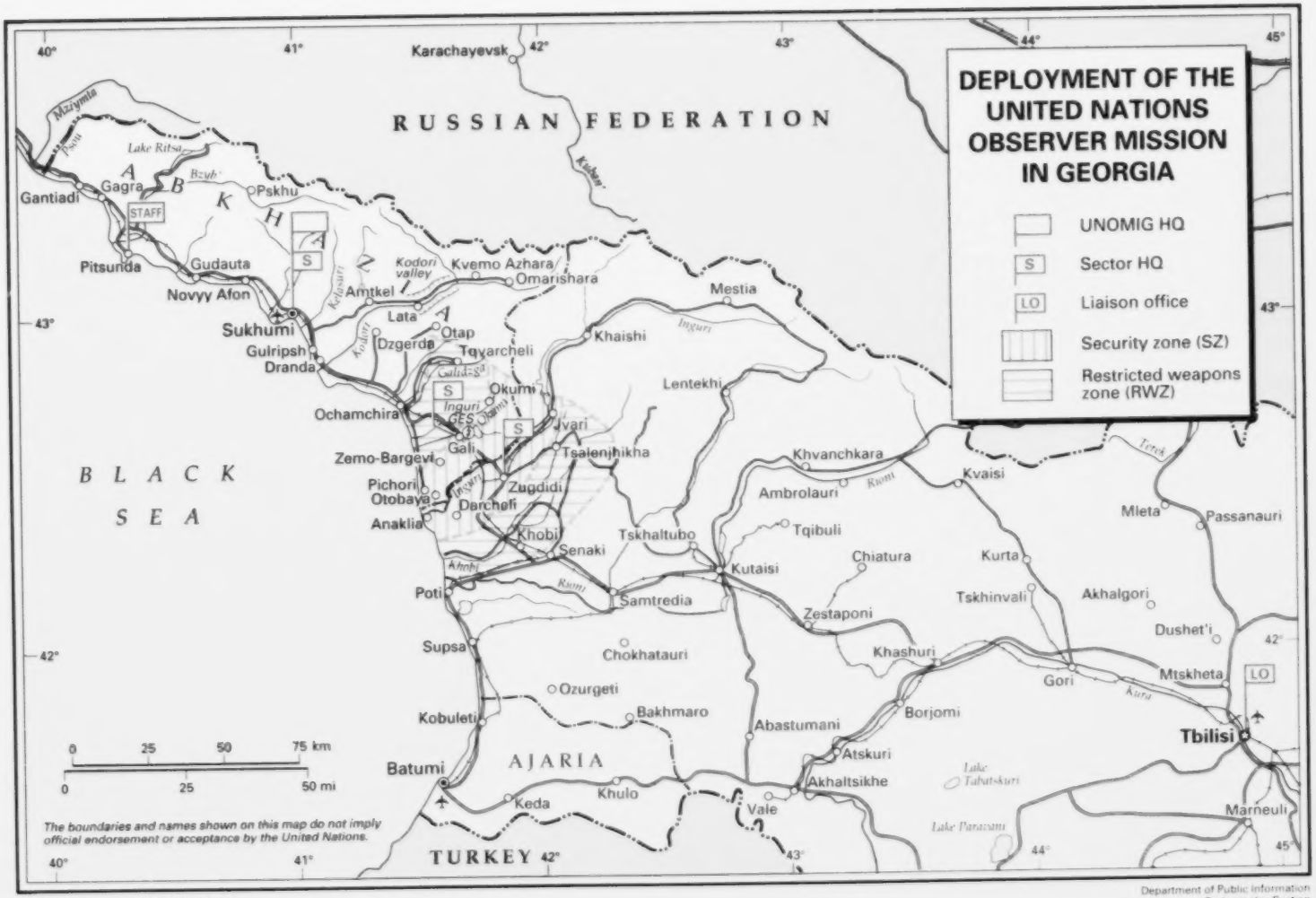
50. In conclusion, I should like to take this opportunity to thank the Chief Military Observer of UNOMIG, Brigadier-General John Hvidegaard, and all the military and civilian personnel under his command for their dedication and perseverance in carrying out, under difficult conditions, the tasks entrusted to them by the Security Council.

Annex

Composition of the United Nations Observer Mission in Georgia at 21 April 1995

Country	Military Observers
Albania	1
Austria	4
Bangladesh	11
Czech Republic	5
Cuba	4
Denmark	6
Egypt	4
France	5
Germany	10
Greece	5
Hungary	7
Indonesia	6
Jordan	9
Pakistan	8
Poland	5
Republic of Korea	6
Russian Federation	3
Sweden	7
Switzerland	5
Turkey	5
United Kingdom of Great Britain and Northern Ireland	10
United States of America	4
Uruguay	4
Total	134 a/

a/ Deployment of military observers may vary owing to rotations.



Map No. 3837 Rev. 4 UNITED NATIONS
April 1995

Department of Public Information
Cartographic Section